IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 37505 of 2003(M)

PETITIONER:

CHALIKKAVATTOM THRIKKOVIL SHEKTHRA PUNARUDHARAN SAMITHI, REG.NO.ER.642/86,VENNALA PO KOCHI-28,REP.ITS SECRETARY K.RENJITH KUMAR,AGED 31 S/O.ANIYANKUNJU,KOSSERY MADOM (H),CHALIKKAVATTOM, VENNALA P.O., EDAPPALLY SOUTH VILLAGE, KANAYANNOOR TALUK, KOCHI-28.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW
SRI.P.J.JOSEPH
SRI.T.RAJEEV

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY REVENUE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **DEPUTY COLLECTOR (LAND REFORMS), KOTTAYAM, INCHARGE OF SPECIAL TAHASILDAR, LAND REFORMS NO.III, ERNAKULAM.**

3. **ELANGALLOOR SWAROOPAM, EDAPPALLY, REP. BY ITS VALIYA RAJA AND TRUSTEE OF ELANGALLOOR DEVASWOM V.SANAKARA RAJA, 'VARADOM', EDAPPALLY PALACE, KOCHI-24. (PRESENT TRUSTEE OF ELANGALLOOR DEVASWOM)**

4. **V.S.RAMAKRISHNAN, AGED 54, S/O. LATE SANKUNNI, RADHARAMA NILAYAM, N.H.BYE PASS, PALARIVATTOM, KOCHI-28.**

5. **V.S.SAJEEVAN, AGED 36, S/O. LATE SANKUNNI, VELIYIL HOUSE, CHALIKKAVATTOM KARA, EDAPPALLY SOUTH VILLAGE, VENNALA P.O, KOCHI-28.**

**6. KAMLAKSHY, W/O. LATE SANKUNNI,
VELIYIL HOUSE, CHALIKKAVATTOM KARA,
EDAPPALLY SOUTH VILLAE, VENNALA P.O.,
KOCHI-28.**

**7. V.S.RAJAMMA, W/O. PARAMESWARAN,
THOPPIL HOUSE, THAIKKATTUKARA, ALUVA.**

**8. V.S.SANATHA, W/O. CHITHAMBARAN,
CHACKALACKAL HOUSE, ASOKAPURAM, ALUVA.**

**9. V.S.LEELA D/O. LATE SANKUNNI,
MAKKISSERIL HOUSE, KUMBALANGI, KOCHI-7.**

**10. V.S.PAVITHRAN, S/O. LATE SANKUNNI,
VELIYIL HOUSE, CHALIKKAVATTOM KARA,
EDAPPALLY SOUTH VILLAGE, VENNALA P.O.,
KOCHI-28.**

**11. V.S.GEETHA, W/O. NALINAKSHAN,
POYYAPARAMBIL HOUSE, NALUKETTU P.O.,
KORATTY.**

**12. V.S.LALAN S/O.LATE SANKUNNI,
VELIYIL HOUSE, CHALIKKAVATTOM KARA,
EDAPPALLY SOUTH VILLAGE, VENNALA P.O.,
KOCHI-28.**

**13. V.S.JAYASREE, S/O. LATE SANKUNNI,
VELIYIL HOUSE, CHALIKKAVATTOM KARA,
EDAPPALLY SOUTH VILLAGE, VENNALA P.O.,
KOCHI-28.**

**BY GOVERNMENT PLEADER SMT. K.R.DEEPA
ADVS. SRI.C.T.JOSEPH --R4
SRI.K.R.GANESH
SRI.N.SAJU THOMAS
SRI.C.JAYACHANDRAN
SRI.JOE POLLAYIL**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 37505/2003 M

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE AGREEMENT FOR ADMINISTRATION DT. 16/11/86.

EXT.P2. COPY OF THE APPLICATION O.A NO. 1251/76 DT. 21/2/76.

EXT.P3. COPY OF THE ORDER IN OA NO.1251/76 DT. 5/8/76.

EXT.P4. COPY OF THE PURCHASE CERTIFICATE DT. 09/10/76.

RESPONDENT'S EXHIBITS

EXT.R4A. COPY OF THE LEASE DEED NO. 2318/1950 DT. 29/11/50 OF SRO/DAPPALLY.

True copy

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KURIAN JOSEPH, J.

W.P.(C) No.37505 of 2003

Dated 14th March, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "To call for the records which lead to the issuance of Ext.P3 and P4 and to issue a writ of certiorari or any other appropriate writ, order or direction quashing the same to the extent it takes in 59 cents of landed properties which forms part of the temple site which is exempted under the Kerala Land Reforms Act."

Learned counsel for the party respondents submits that the petitioner had instituted a suit, O.S.1874/2000 before the District Court, Ernakulam at the time the writ petition was filed. That is suppressed in the writ petition. Therefore, the writ petition is dismissed without prejudice to the liberty to the petitioner to pursue the suit, or the remedies, if any available under the Kerala Land Reforms Act.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 14th March, 2007.